

Entered - 11/14/00 - sb
CL00L0685 - DIANNE C. MITCHELL


CLAIM OF: **RICHARD M. DICTER**
718 Waterford Place
Atlanta, Georgia 30342

For damages alleged to have been sustained as a result of vehicular damage due to re-paving of the roadway on September 3, 2000 on Wieuca Road.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **RICHARD M. DICTER** the sum of **\$1,294.86** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of vehicular damage due to road construction on September 3, 2000 on Wieuca Road as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0685

Date: December 12, 2000

Claimant /Victim RICHARD M. DICTER

BY: (Atty) _____

Address: 718 Waterford Place, Atlanta, Georgia 30342

Subrogation: _____ Claim for Property damage \$ 1,294.86 Bodily Injury \$ _____

Date of Notice: 11/13/00 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 09/03/00 Place: Wieuca Road

Department Public Works Division: Street Operations

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant's vehicle was damaged in the above amount when he drove through an area of Wieuca Road that had been recently repaved, but the manhole covers had not yet been raised to the level of the roadway. The City has been on notice of this condition for several months, but has failed to make the roadway safe.

INVESTIGATION:

Statements: City employee X Claimant _____ Others _____ Written _____ Oral X

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial X

Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ \$1,294.86 Adverse _____ Account charged: 1A01 X 2J01 _____ 2H01 _____

Claims Manager: [Signature] Concur/date 12-13-00

Committee Action: _____ Council Action _____

Mitchell
11/13/00
Rm

FAX TO MS. SHERRY BUTLER,
CLAIMS, ATLANTA DEPT. OF LAW

AT

PHONE 330-6401
fax 404-658-7082

ENTERED - 11-14-00 - SB
00L0685 - DIANNE MITCHELL

11/8/2T

FROM: RICHARD DICTER PHONE 770-660-3353

SHERRY--THIS WAS ORIGINALLY FAXED TO YOUR OFFICE
ON OCTOBER 27 NEARLY TWO WEEKS AGO.
I HAVE RECEIVED NO RESPONSE.

I HAVE LEFT NUMEROUS MESSAAGES FOR ALLEN MOORE AND SENT
NUMEROUS FAXES. HE IS THE POINT GUARD TO PUT THE
COVERS OR RIGNS AROUND THE COVERS THAT ARE MISSING FOR
SEVEN MONTHS ON THE SEWER MAN HOLE COVERS.

HE IS REACHED AT 330-6251 PUNCH 1 OR 624-0751.
You will have to most likely wake the receptionists
there up when you call every few words.

MR. MOORE DOES NOT RESPOND FOR SEVEN MONTHS AND
NO ONE KNOWS WHERE HE HAS HIDDEN THE MISSING.
I WOULD LIKE TO KNOW WHY THE ROAD IS BEING LEFT
THIS WAY WHENSIMILAR PROBLEMS WERE FIXED ON
WEST WIEUCA AND BEHIND PHIPPS IN 72 HOURS ON THEIR COVERS.

ADDITIONAL HOLES NOT FIXED 25' AND 65' EASTS OF(ON WIEUCA)
DANUBE AND 200 FEET NORTH OF WIEUCA ON ROSSWE:..

THESE TWO POTHOLLS ARE CLOSEST TO MAILBOX 4231 WIEUCA.
I HOPE I HAVE LOCATED ALL THE HOLSES SPECIFICALLY.
I HAVE GIVEN THEIR ADDRESS. I WOULD APPRECIATE A CALL
BACK FROM A LIVE PERSON AS TO THE STATUS OF THE REPAIRS.
SEVEN MONTHS IS TOO LONG. SEVEN DAYS IS TOO LONG.

10/12/21

FAXED 10/18/2T
MS. ALBERTA BISHOP
PUBLIC WORKS
404-853-3207 FAX
404-853-3223 PHONE
PAM MANUEL 3200

FAX TO : 1) MRS. ANGELA MORGAN
PHONE 404-330-6026
FAX 658-7088

FROM: RICHARD DICTER
FAX 404-257-0570

2) DIANNE MITCHELL

CLAIMS MANAGER, DEPT. OF LAW
FAX 404-658-6894

THE SEWER DEPARTMENT AT VARIOUS NUMBERS I HAVE COLLECTED AND FAXED TO YOU (NORTH AVENUE MAY BE THE SUPERVISORY HEADQUARTERS) CONTINUES TO DIG DAMAGING, LARGER HOLES IN THE STREET ON WIEUCA ROAD. THREE TO FIVE DAYS AGO THEY DUG A SMALL GRAVE AND STUCK IT OUT INTO THE RIGHT LANE AT LORIDANS WHEN HEADED EAST TOWARD LENOX/PHIPPS. THEY KNOW THEY ARE DAMAGING WHEN THEY LEAVE THEM.

WHAT THEY WON'T DO: THEY WON'T TAKE THEIR FAVORITE CAR AND CONTINUALLY DRIVE IT AT 30MPH OVER THIS GRAVE THEY JUST DUG SAY 50-60 TIMES.

I DO NOT UNDERSTAND WHY THESE ARE LEFT SINCE APRIL AND BY COMPARISON THE MAJORITY OF HOLES DUG IN ROSWELL ROAD AROUND THE CORNER WERE DUG IN SEPTEMBER AND PATCHED DIRECTLY AFTER.

THE FOLLOWING HAZARDS REMAIN AND THEIR PRECISE ADDRESSES WERE FIELD SURVEYED BY ME AT 1PM TODAY 10/12/2T. I HAVE SPOKEN REPEATEDLY WITH EVERY PLAYER CONNECTED TO THESE HOLES, THE CLAIMS DEPARTMENT AND THE MAYOR'S "ACTION" LINE. BUT THERE HAS BEEN NO ACTION EXCEPT TO DIG LARGER, MORE DANGEROUS, MORE DISRUPTIVE HOLES LIKE THE GRAVE OPPOSITE THE INTERSECTION OF LORIDANS AND WIEUCA.

THE FOLLOWING HOLES ARE CONTINUALLY DAMAGING CARS.
THE NEW GRAVE CONFIGURATION HOLE HAS BEEN THERE FOR 3-5 DAYS.
1) IT IS 58" X 22" X 5" AND STICKS OUT A FOOT IN THE ROAD IN THE RIGHT LANE HEADING EAST--DIRECTLY OPPOSITE LORIDANS ABOUT ONE MILE FROM ROSWELL ROAD.

- 2) 4228 WIEUCA AT HERRINGTON (TWO POTHOLES HERE)
- 3) MOUNTAIN (JUST WEST OF MOUNTAIN AND WIEUCA) 4291
- 4) NEW LARGE PLATE IN CURVE JUST BEFORE 4395 1 WEEK
- 5) TWO AT 4425 JUST OFF WIEUCA OVERLOOK ON WIEUCA
- 6) 4591 (20 FEET BEFORE HEADED TOWARD ROSWELL RD.
- 6) 4609 IN FRONT OF LAW OFFICE OF DARYL LECROY

ANNOYING POTHOLES FOR MONTHS ON ROSWELL ROAD JUST AROUND CORNER:

4589
4627
4651 (50 FEET NORTH)

THEY HAVE CAUSED SUBSEQUENT DAMAGE TO MY CAR CAUSING ME TO REPLACE A FRONT BEARING AND I WILL FILE A CLAIM FOR THIS 972672T REPAIR.

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
 City Hall
 55 Trinity Avenue, S.W.
 Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: OCTOBER 27, 2000

TOTAL DAMAGES \$687.93

Dear Municipal Clerk:

\$63.00 BROKEN SEAT
 \$274.93 FRONT WHEEL BEARING
 \$350.00 RIGHT LOWER CONTROL
 ARM property

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ _____ and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 9/3/2T 2. Time of Incident: 9:10PM 3. Police called: XXX
 (month/day/ year) Yes No

4. Location of incident (including street address): NORTRH OF INTS. MOUNTAIN/S. OF INTS. LORIDANS
ON WIEUCA

5. Name of your insurance company: STATE FARM Policy No. _____

6. State what and how incident occurred: CITY CONTINUES TO DO SEWER WORK: DID SEWER WORK

IN MAY AND DESPITE OVER 30 CALLS CONTINUES TO LEAVE POTHoles WHICH
ARE AT LEAST 5 INCHES DEEP LOCATED DIRECTLY ON THE SITE OF WHEEL CONTACT.

LOCATION OF POTHoles IS ON ENCLOSED SHEET; NUMEROUS PERSONNEL CONTACTED INCL.

PUBLIC WORKS PERSONNEL AT NUMBERS ENCLOSED.
 7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL
RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: SAAB 900 TURBO 1989 WHM 605 RICHARD M. DICIER
 (Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
 (Make) (City Driver's Name) (Department/Bureau)

SEE ENCLOSED BILL FOR REPAIR OF DAMAGED ITEMS.

9. Witness: _____
 (Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employees.

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE
 INFORMATION IS TRUE AND CORRECT.

Richard M. Dicier
 Signature of Claimant

770-660-3353
RICHARD M. DICIER

(Print Claimant's Name)

718 WATERFORD PLACE

ATLANTA, GEORGIA 30342-2383

(City, State and Zip Code)

(Work Number)

(Home Number)

01-R-0042